

## **Rule 26, Ariz. R. Crim. P. – Sentencing**

**RESTITUTION: Restitution is part of the defendant's sentence.....**  
**.....Revised 3/2010**

Under Rule 26.9, Ariz. R. Crim. P., a defendant must be present at sentencing. Because the restitution order is part of the defendant's sentence, the court's restitution order must be set forth in the oral pronouncement of the sentence. The court cannot correct any error in the restitution order by entering an order outside the defendant's presence. *State v. Barrs*, 172 Ariz. 42, 43, 833 P.2d 713, 714 (App. 1992). Any correction in restitution requires that the defendant be present. *Id.*